

AUS920010362US1

09/942,744

**REMARKS****1. Posture of the case.**

This is a reply to the first Office action in the case.

Claims 1-3, 5-11, 13-19, 21-27, 29-31, and 33-35 stand rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Outlook 2000 ("Outlook").

Claims 4, 12 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Outlook in view of US Pat. No. 5,802,314 ("Tullis").

Claims 28, 32 and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Outlook and Tullis in view of Tang et al., U.S. Patent 5,630,060 ("Tang").

All the features of claims 28, 32 and 36 have been incorporated into claims 25, 29 and 33, respectively. Claims 27-28, 31-32 and 35-36 have been canceled.

**2. Claims 1-3, 5-11, 13-19, 21-27, 29-31 and 33-35.**

Claims 1, 9 and 17 have been amended to overcome the rejection of claims 1-24. Claims 25, 29 and 33 have been amended to overcome the rejection of claims 25-36. All the features of claims 28, 32 and 36 have been incorporated into claims 25, 29 and 33, respectively. Claims 27-28, 31-32 and 35-36 have been canceled. No new matter is added, since the original application supports the amendments, as described herein below.

According to amended claim 1 of the present application, for example, a method for electronic messaging management includes displaying a message interface for composing and sending an electronic message. See present application FIG. 2, message interface 200, for example. The claim further states that a first portion of the message is received in the message interface and a second portion of the message is received in the message interface. Present application, steps 2 and 4 of claim 1. That is, the first and second portions of the message are received in the *same* message interface. Likewise, sets of recipients are also received for the respective message portions in the same message interface. Present application, steps 3 and 5 of claim 1.

Applicant considers that the single message interface 200 shown in FIG. 2 of the present application is different than what Applicant considers to be *two identical instances* of a message

AUS920010362US1

09/942,744

Despite the reference in the Outlook publication to a "single send action," it is clear that in order to send the messages (or message portions) in message areas 3 and 6, the Outlook user not only has to hit individual message Send button 9 and individual message Send button 10, but also a global Send/Receive button 7. Apparently the reference to a "single send action" is to emphasize that *after* individual messages have been entered and the user has hit "send" on *each* of the individual message interfaces with the global "immediate send" feature disabled, then the numerous "individual messages" may all be sent with a so-called "single send action" by hitting the global Send/Receive button 7.

In contrast to this arrangement for the Outlook e-mail program, according to the teaching of the present application, there is one message interface 200 for composing, i.e., entering, what is considered in the present application to be a *single* message 100 having multiple message portions 110 and 120. And there is only *one* send button 250 in the message composition interface 200 for sending both message portions. Present application, FIG. 2; page 6, line 10 - page 7, line 5.

Despite these clear differences between what is taught by the Outlook publication and what is taught in the present application, Applicant recognizes that the *claims* of the present application define the scope of any patent that is granted for the invention, and the claims are not limited to the embodiments disclosed in the application. And Applicant understands the distinction between "message portions" and "individual messages" may be somewhat nebulous unless defined in more detail than that of merely the originally submitted claim 1 without reference to the specification of the present application, for example. And Applicant understands that even though the Outlook arrangement requires that messages are sent responsive to a global send button and also responsive to individual send buttons, nevertheless, when the Outlook messages are sent responsive to the global send button the messages are at that time sent responsive to that last, single, although global, send command.

For these reasons, Applicant herein submits an amendment to claim 1 stating that "the message interface for composing and sending the electronic message has only a single send button for receiving a send command" and "wherein both the first and second portions are sent to the respective recipients responsive to a receiving a single send command via the send button and wherein the message portions are sent without receiving an individual send command for the first

AUS920010362US1

09/942,744

message portion and without receiving an individual send command for the second message portion." Claims 9 and 17 have language similar to claim 1 and similar amendments are herein submitted for these claims. Likewise, claims 26, 30 and 34 have been similarly amended herein.

Applicant contends that the above amendments to claims 1, 9 and 17 patentably distinguish the claims from the cited teaching of the Outlook publication. Also, claims 2-8, 10-16 and 18-24 depend on independent claims 1, 9 and 17, respectively, and therefore Applicant contends that claims 2-8, 10-16 and 18-24 are also patentably distinct for reasons described herein above regarding claim 1. MPEP 2143.03 ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious," citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Essentially the same features of the Outlook publication as described above have been applied in the rejection of claims 25-27, 29-31 and 33-35. Claims 25, 29 and 33 have been amended to incorporate claims 28, 32 and 36, respectively, to overcome the rejection under 35 U.S.C. 102(b) of claims 25-27, 29-31 and 33-35 based on the Outlook publication. See also present application FIG. 3, first data entry area 310, and message 100 first portion 110 and second portion 120; page 8, lines 6-18.

### 3. Claims 4, 12 and 20.

Claims 4, 12 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Outlook publication in view of Tullis et al., U.S. Patent 5,802, 314 ("Tullis"). Applicant respectfully disagrees. Even aside from the amendments to claims 1, 9 and 17, claims 4, 12 and 20 have features that are not taught by the cited art.

The Office action indicates that Tullis Fig. 7 and col. 11, lines 33-45, teaches "importing message portions and allowing the user to individually select each message portion." Office action, page 7, item 4. However, the claim 4 states that "the first and second message portions are both received in the first data entry area," referring to "the first data entry area for the message," as explicitly pointed out in claim 2, upon which claim 4 depends. Claim 12, which is dependent upon claim 10, and claim 20 which is dependent upon claim 18, have similar language.

BEST AVAILABLE COPY

09/942,744

AUS920010362US1

Also, claim 1, upon which claim 4 depends, states that the first and second message portions are sent to their own respective sets of recipients. Thus, even though the first and second message portions are composed in a single data entry area, as stated in claim 4, the two message portions are sent to their own respective sets of recipients, as stated in claim 1. Claims 9 and 17, upon which claims 12 and 20 depend, have similar language. Neither Tullis, nor Tullis and the Outlook publication combined teach these specifically claimed features of the present invention.

#### 4. Claims 28, 32 and 36.

In the Office action claims 28, 32 and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Outlook publication and Tullis in view of Tang et al., U.S. Patent 5,630,060 ("Tang"). All the features of claims 28, 32 and 36 have been incorporated into claims 25, 29 and 33, respectively. Thus, the same rejection presumably now applies to claims 25, 29 and 33. Claims 27-28, 31-32 and 35-36 have been canceled.

Applicant respectfully contends that claims 25, 29 and 33 are patentably distinct. Claims 25, 29 and 33, which now include the limitations of 28, 32 and 36, respectively, have features that are not taught by any of the art cited in the Office action, including any combination thereof.

In the first place, the Office action indicates in the rejection of claims 28, 32 and 36 that the invention of Microsoft Outlook and Tullis fail to teach associating the second portion of the electronic message with the second set of one or more recipients. But regarding the rejection of claim 1, for example, the Office action contends that the Microsoft Outlook publication standing alone teaches all the steps, which states that a first set of recipients is received in the message interface for the first message portion and a second set of recipients is received in the message interface for the second message portion. Applicant contends that if a set of recipients is received for a message portion this inherently implies an association of the message portion and recipients. Therefore, the rejections in the Office action are not consistent in this first respect.

Secondly, with regard to claims 25-36, the feature of associating the second portion of the electronic message with the second set of one or more recipients is stated in claims 25, 29 and 33, not in claims 28, 32 and 36. Therefore, the rejections in the Office action are not consistent in this second respect.

BEST AVAILABLE COPY

09/942,744

AUS920010362US1

Setting aside these inconsistencies, Applicant contends that with the amendments herein, claims 25, 29 and 33 patentably distinguish claims 25-26, 29-30 and 33-34 from the all cited teachings, including those of the Outlook publication, Tullis and Tang.

Regarding the "single data area" feature of amended claims 25, 29 and 32, see the remarks herein above regarding Tullis in connection with claims 4, 12 and 20.

Regarding the association of portions of the message with respective sets of recipients, Tang does not teach or suggest this. As the Office action points out, Tullis teaches delivery of the same message to numerous recipients wherein the whole message is sent to some recipients in one media and the whole message is sent to others in another media. This need arises because of transmission limitations or limitations of recipients to render certain media. The feature of the present invention regards sending different message portions to different recipients, which is different than sending the same message in different formats. Moreover, sending different message portions to different recipients arises due to different needs than sending the same message in different formats. See present application, page 16, lines 16-20 ("For example, it is sometimes best for different members of the group to receive somewhat different messages for reasons of tactfulness, or to save time for one or more of the readers, or to direct the attention of different readers to different aspects of the communication. Conventionally, to meet these different needs independent messages are composed and sent one-by-one to different sets of recipients.").

In addition to the above, claims 26, 30 and 34 have been amended to more particularly point out the inventive feature regarding a single send command, in similar fashion as claims 1, 9 and 17, discussed herein above. Therefore claims 26, 30 and 34 are patentably distinct for reasons discussed herein above regarding claims 1, 9 and 17.

BEST AVAILABLE COPY

AUS920010362US1

09/942,744

**PRIOR ART OF RECORD**

Applicant has reviewed the prior art of record cited by but not relied upon by Examiner, and asserts that the invention is patentably distinct.

**REQUESTED ACTION**

Applicant contends that the invention as claimed in accordance with amendments submitted herein is patentably distinct, and hereby requests that Examiner grant allowance and prompt passage of the application to issuance.

Respectfully submitted,



Anthony V. S. England  
Attorney for Applicants  
Registration No. 35,129  
512-477-7165  
a@aengland.com

**BEST AVAILABLE COPY**